

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
IN THE MATTER OF:)
COMPLAINT C2012-028)
State Ethics Commission,)
Complainant;)
vs.)
Barbara C. Turnburke,)
Respondent.)
_____)

BEFORE THE STATE ETHICS COMMISSION

DECISION AND ORDER

STATE ETHICS
COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on October 4, 2011. On January 18, 2012, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Barbara C. Turnburke, with a violation of Section 8-13-1308(D), and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on March 21, 2012 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and JB Holeman. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT
SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Barbara C. Turnburke, a candidate for Greenwood City Council, on or about March 29, 2010, did fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

STATEMENT OF FACTS

1. The Respondent, Barbara C. Turnburke, was a candidate for Greenwood City Council in an election on April 13, 2010 and she was required to file a pre-election campaign disclosure form (CD).

2. Commission Investigator Dan Choate testified that during the course of his investigation he determined that on February 18, 2010 Respondent filed a candidate Statement of Economic Interests for the municipal election. Respondent did not file a pre-election CD and on August 10, 2011 she was penalized \$100.00 and was advised to file the CD. A certified letter was sent on September 1, 2011 and Respondent was advised as to the increasing late filing penalty. On October 4, 2011 a complaint was filed against Respondent. Respondent filed the CD on November 10, 2011. The late-filing penalty is \$4,500.00.

3. Respondent testified that she had had a campaign manager eight years before and no opposition the next cycle, so this was the first time she filed on her own. She testified that ignorance of the law is not an excuse, but she didn't know what was expected. When she discovered what was required she had to research and gather the information to be disclosed. Her husband was ill at the time.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, Barbara C. Turnburke, is a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction

3. Section 8 13 1308(D)(1) provides:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Barbara C. Turnburke is in violation of Section 8-13-1308(D); and therefore, Respondent Barbara C. Turnburke is hereby assessed a reduced late-filing penalty of \$500.00. The SC Department of Revenue has garnished Respondent's wages; therefore, the Commission is to return that amount over the reduced late filing penalty of \$500.00.

FINALLY, Respondent Barbara C. Turnburke has ten (10) days from receipt of

this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 29th DAY OF April, 2012.

STATE ETHICS COMMISSION


EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA